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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROMAN B. HUGO on his own behalf  
and on behalf of others similarly situated,

CASE NO.:  
07-CV-5733 (SAS)

Plaintiffs,

-against-

**ANSWER**

DEE DESIGNS, INC., ACE PAINTING, INC.,  
WALLCO, INC. and WAYNE CHAUVIN, an individual.

Defendants.

-----X  
Defendant, DEE DESIGNS, INC., ACE PAINTING, INC., WALLCO,  
INC. and WAYNE CHAUVIN, an individual, by its attorneys, SCHER &  
SCHER, P.C., answering the Complaint of the plaintiff, alleges,  
upon information and belief, as follows:

**ANSWERING THE ALLEGATIONS HEADED  
"PRELIMINARY STATEMENT"**

1. Defendants are unable to admit or deny the allegations  
contained in paragraphs 1, 2 and 5 of the Complaint and therefore  
deny same.

2. Deny each and every allegation contained in paragraphs 3  
and 4 of the Complaint.

**ANSWERING THE ALLEGATIONS HEADED  
"JURISDICTION AND VENUE"**

3. Deny each and every allegation contained in paragraphs 6, 7 and 8 of the Complaint.

**ANSWERING THE ALLEGATIONS HEADED  
"THE PARTIES"**

4. Deny each and every allegation contained in paragraph 10 of the Complaint.

5. Deny each and every allegation contained in paragraphs 16, 17, 18, 26, 27, 28, 36, 37 and 38 as conclusory and leave the determination thereof to the Court.

6. Deny each and every allegation contained in paragraphs 12, 19, 20, 22, 29, 30, 32, 39 and 40 of the Complaint.

7. Deny each and every allegation contained in paragraphs 13, 14, 15, 16 and 17 of the Complaint but admit that defendant CHAUVIN is an Officer of DEE DESIGNS, INC.

8. Deny each and every allegation contained in paragraphs 23, 24, 25, 26 and 27 of the Complaint but admit that defendant CHAUVIN is an Officer of ACE PAINTING, INC.

9. Deny each and every allegation contained in paragraphs 33, 34, 35, 36 and 37 of the Complaint but admit that defendant CHAUVIN is an Officer of WALLCO, INC.

**ANSWERING THE ALLEGATIONS HEADED  
"STATEMENT OF FACTS"**

10. Deny each and every allegation contained in paragraphs 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 of the Complaint.

**ANSWERING THE FIRST CAUSE OF ACTION**

11. Admit and deny each and every allegation incorporated by reference into paragraph 51 of the Complaint as previously admitted and denied.

12. Deny each and every allegation contained in paragraphs 54, 55, 56 and 57 of the Complaint.

13. Deny knowledge or information sufficient to form a belief as to the allegation contained in paragraphs 52 and 53 of the Complaint.

**ANSWERING THE SECOND CAUSE OF ACTION**

14. Admit and deny each and every allegation incorporated by reference into paragraph 58 of the Complaint as previously admitted and denied.

15. Deny each and every allegation contained in paragraphs 59, 60 and 61 of the Complaint.

**ANSWERING THE THIRD CAUSE OF ACTION**

16. Admit and deny each and every allegation incorporated by reference into paragraph 62 of the Complaint as previously admitted and denied.

17. Deny each and every allegation contained in paragraphs 63 and 64 of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

18. At no time was plaintiff ever an employee of any of the defendants in this action.

**SECOND AFFIRMATIVE DEFENSE**

19. At all relevant times plaintiff was in fact an employee of an entity, the nature of which is unknown to defendants known as Pablo Morales Painting.

**THIRD AFFIRMATIVE DEFENSE**

20. Upon information and belief plaintiff has been paid in full by Pablo Morales Painting for all services rendered by plaintiff to it.

WHEREFORE defendants demand that the Complaint be dismissed and that they be awarded their costs and disbursements in this action.

Dated: Great Neck, NY  
March 26, 2008

Yours, etc.

SCHER & SCHER, P.C.

By: 

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TO:  
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